

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

KAY J. ECKARDT and HAPAG  
INVESTMENT CO.,

Plaintiffs,

vs.

GOLD CROSS SERVICES, INC., R.  
GENE MOFFITT, MIKE MOFFITT,  
JARED D. MILES, and DOES 1-10,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING PLAINTIFFS'  
MOTION FOR RELIEF FROM  
JUDGMENT AND VACATING  
JUDGMENT

Case No. 2:03-CV-302 TS

This matter is before the Court on the Plaintiffs' Motion for Relief from Judgment. Plaintiffs move for relief from the January 19, 2007 Clerk's Judgment on the grounds that it inadvertently granted judgment in favor of Defendants and against Plaintiffs on the federal claim when the Court's January 18, 2007 Memorandum Decision and Order provided that all claims should be dismissed without prejudice.

Fed. R. Civ. P. 60(a) provides that clerical mistakes in judgment arising from oversight or omission may be corrected by the Court at any time of its own initiative or on the motion of any party. The Court finds that the Clerk's Judgment in favor of Defendants

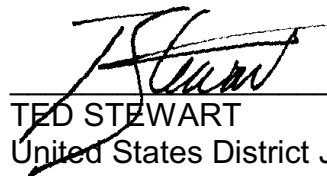
was so entered and that it does not accurately reflect the Court's ruling in its January 18, 2007 Memorandum Decision that the First Amended Complaint and Complaint in Intervention be dismissed without prejudice. It is therefore

ORDERED that Plaintiffs' Motion for Relief from Judgment and Order (Docket No. 142) is GRANTED. It is further

ORDERED that the Clerk's Judgment entered on January 19, 2007, is VACATED.

DATED this 12th day of February, 2007.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line. Below the line, the name "TED STEWART" and the title "United States District Judge" are printed in black, sans-serif capital letters.